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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,988	07/13/2001	Tetsuya Kubo	33804	3818
116	7590	03/24/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/904,988

Applicant(s)

KUBO ET AL.

Examiner

Thjuan P Knowlin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/03/02;12/09/02;06/24/04;08/10/04</u> .                                 | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray et al (US 6,011,699).
2. In regards to claim 1, Murray discloses a portable radio device (Fig. 1 and radiotelephone 100) comprising: a first casing (bottom housing 108); a second casing (top housing 102); a hinge portion (hinge 376) to connect together the first and second casings respectively rotatable (col. 4-5 lines 63-6 and col. 8 lines 9-19); a convex portion provided on the inside surface of the first casing and protruded from the surface of the inside; and a concave portion provided on the inside surface of the second casing; wherein the convex portion and the concave portion are fitted when the first and second casings are folded (col. 5 lines 54-65, col. 7 lines 11-14, and col. 8 lines 55-62).
3. In regards to claims 2, 11, 12, and 13, Murray disclose the portable radio device, wherein a telephone transmitter unit (speaker 342) to detect sounds is accommodated

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in a space in the first casing formed by the convex portion (col. 4 lines 38-39 and col. 9 lines 27-29).

4. In regards to claims 3, 15, and 16, Murray discloses the portable radio device, wherein a receiver unit (microphone 734) to emit sounds is accommodated in a position of the concave portion (col. 19 lines 35-41).

5. In regards to claims 4, 5, 6, 7, 8, 9, 10, and 14, Murray discloses a portable radio device comprising: a first casing in which a primary circuit board is accommodated (col. 12 lines 11-18); a second casing; and a hinge portion to connect together the first and second casings respectively rotatable (col. 4-5 lines 63-6 and col. 8 lines 9-19); wherein, when the device is placed on the plane in the condition in which the second casing is opened from the first casing, a bottom surface of the first casing and a contact portion of the second casing are brought into contact with the plane (col. 5 lines 54-65, col. 7 lines 11-14, and col. 8 lines 55-62).

6. In regards to claims 17, 18, 19, 20, 21, 22, 23, and 24, Murray discloses a portable radio device comprising: a first casing in which an antenna (antenna 16) and a primary circuit board are accommodated (col. 4 lines 16-19); a second casing; a hinge portion to connect together the first and second casings respectively rotatable (col. 4-5 lines 63-6 and col. 8 lines 9-19); an antenna accommodation portion to accommodate the antenna provided along one side surface of the first casing (col. 9-10 lines 66-3); and a battery pack (battery 706) accommodation unit provided between the other side surface of the first casing the antenna accommodation portion (col. 6 lines 27-42).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ogura et al (US 6,189,056) teach an information processing terminal.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

  
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